



DISABLED AMERICAN VETERANS

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LEGISLATIVE BULLETIN

December 2011

Appropriations and Deficit Reduction

The Joint Committee on Deficit Reduction (referred to as the “Super Committee”) was established in the Budget Control Act of 2011 (Public Law 112-25). The Super Committee reported it was unable to identify savings sufficient to meet its mandate. Therefore, the enforcement mechanisms contained in Public Law 112-25 will trigger automatic across-the-board cuts resulting in an additional \$1.2 trillion reduction in federal spending over the next ten years.

Based on our interpretation of Public Law 112-25 and prior budget laws, and after consultation with outside budget experts, it appears that VA health care and benefit programs will be exempt from any automatic budget cuts, including those mandated by a process called sequestration. We are working closely with congressional leaders to ensure that any legislation being considered to reduce spending or the deficit does not attempt to balance the budget on the backs of America’s veterans, especially disabled veterans.

As we consider how these budget and deficit showdowns may affect veterans and the Department of Veterans Affairs (VA), it is important to remember that the VA health care system is already funded for the current fiscal year that began on October 1, thanks to the advance appropriations process that we fought so hard to enact a couple of years ago.

On Friday, December 16, 2011, the House passed H.R. 2055, the Fiscal Year 2012 Military Construction – VA Appropriations bill, which became the vehicle for the “Megabus” appropriations bill (the Consolidated Appropriations Act, 2012), which included the remaining appropriations bills. On Saturday, December 17, the Senate passed the bill and sent it to the President.

COLA Bill Signed by President

On November 9, 2011, President Obama signed into law the legislation to provide a 3.6 percent increase in veterans’ disability compensation. The cost-of-living adjustment (COLA) also affects the rates of dependency and indemnity compensation of veterans who died as a result of service. The COLA is tied to the Consumer Price Index, which also adjusts benefits for Social Security recipients. The law is effective December 1, 2011 and the increase will be seen in veterans’ compensation payments on January 1, 2012.

VOW to Hire Heroes Act of 2011

Congress approved the VOW to Hire Heroes Act of 2011 on November 16, 2011. The Disabled American Veterans (DAV) urged lawmakers to approve this legislation, which is aimed at creating job opportunities for the men and women who have protected and defended our nation and our precious way of life. The President signed the bill into law on November 21, 2011.

The VOW to Hire Heroes Act includes important provisions that should positively impact the unemployment rate of 12.1 percent that veterans of the current conflicts now face when they return home. The measure combines provisions in the Hiring Heroes Act (S. 951) and the Veterans Opportunity to Work Act (H.R. 2433) into a single, comprehensive package which addresses the following:

- Improving the Transition Assistance Program (TAP): Makes TAP mandatory for most service members transitioning to civilian status, upgrades career counseling options, and resume writing skills, as well as ensuring the program is tailored for the 21st Century job market.
- Facilitating Seamless Transition: Allows service members to begin the federal employment process prior to separation in order to facilitate a truly seamless transition from the military to jobs at VA, Homeland Security, or other federal agencies.
- Expanding Education & Training: Provides 100,000 unemployed veterans of past eras and wars with up to one year of additional Montgomery GI Bill benefits to qualify for jobs in high-demand sectors, from trucking to technology. It also provides disabled veterans up to one year of additional Vocational Rehabilitation and Employment Benefits.
- Translating Military Skills and Training: Requires the Department of Labor to evaluate what military skills and training should be equivalent in the civilian sector, and will work to make it easier for veterans to get the licenses and certification for those jobs.
- Veterans Tax Credits: Provides tax incentives of up to \$5,600 for hiring veterans, and up to \$9,600 for hiring disabled veterans, if the veteran has been looking for work for six months or longer.

Pending Legislation

H.R. 3329 would amend title 38, United States Code, to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs from 12 to 15 years. This is in line with DAV Resolution No. 222.

H.R. 3279 would amend title 38, United States Code, to add that caregivers for veterans with “serious illnesses” are also eligible for assistance and support services provided by the Secretary of Veterans Affairs under its new caregiver program. This bill is in line with DAV Resolution No. 195.

H.R. 3337/S. 1798, the Open Burn Pit Registry Act of 2011, would direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure. This legislation is related to DAV Resolution No. 183.

H.R. 3355, the Heroes Hiring Heroes Act of 2011, would direct the Secretary of Veterans Affairs to establish a grant program to assist veterans with finding employment and to make permanent and modify the work opportunity tax credit with respect to unemployed veterans. This bill is in line with DAV Resolution No. 001.

H.R. 812/S. 1629, the Agent Orange Equity Act of 2011 and **H.R. 3612**, the Blue Water Navy Vietnam Veterans Act of 2011, would include, as part of the Republic of Vietnam, its territorial seas for purposes of the presumption of service connection for diseases associated with exposure by

veterans to certain herbicide agents while in Vietnam. These bills are in line with DAV Resolution No. 014.

S. 1689, the Veterans Sexual Assault Prevention Act of 2011, would direct the Secretary of Veterans Affairs to develop and implement, by February 1, 2012, a centralized and comprehensive policy on reporting and tracking sexual assaults and other safety incidents at each medical facility of the VA, including: (1) risk-assessment tools; (2) mandatory security training; (3) physical security precautions (surveillance camera systems and panic alarm systems); (4) criteria and guidance for employees communicating and reporting incidents to specified supervisory personnel, VA law enforcement officials, and the Office of Inspector General; (4) an oversight system within the Veterans Health Administration; (5) procedures for VA law enforcement officials investigating, tracking, and closing reported incidents; and (6) clinical guidance for treating sexual assaults reported over 72 hours after assault. This legislation is in line with DAV Resolution No. 193.

S. 1847, the Protect Our Disabled Heroes Act of 2011, would reinstate criminal penalties for persons charging veterans unauthorized fees for claims representation. This bill has a similar purpose to DAV Resolution No. 028.

S. 1849, the Rural Veterans Health Care Improvement Act, would require a five-year strategic plan for the Office of Rural Health of the Veterans Health Administration of the Department of Veterans Affairs for improving access to, and the quality of, health care services for veterans in rural areas.

H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, would address the following issues as they relate to employment and service disabled veteran owned small businesses:

Sec. 525. Employment Skills Training For Members of the Armed Forces on Active Duty Who Are Transitioning To Civilian Life, would amend Section 1143 of title 10, United States Code, so that each of the Service Secretaries may carry out programs to provide military personnel with job and employment skills training to help prepare them for civilian employment. To be eligible, service members must have completed at least 180 days on active duty and expect to be discharged within 180 days of the start of such a program.

Sec. 547. Pilot Program on Receipt of Civilian Credentialing for Skills Required for Military Occupational Specialties. The Secretary of Defense shall carry out a pilot program assessing the feasibility of permitting enlisted personnel obtain civilian credentialing or licensing for skills required for military service specialties. The pilot program would evaluate between three and five duty specialties through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary, whether concurrently with military training, or at the completion of military training. A report would be provided to Congress not later than one year after the start of the pilot program on the feasibility of expanding the pilot program.

Sec. 566. Requires comprehensive policy within DOD on retention and disposal of records of sexual assaults involving members of the Armed Forces. Establishes minimum retention period of five years for restricted records and up to 50 years for unrestricted records documenting incidents and medical and forensic examinations.

Sec. 583. Report on Process for Expedited Determination of Disability of Members of the Armed Forces with Certain Disabling Conditions. The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall, not later than September 1, 2012, submit to

Congress a report assessing the feasibility establishing an expedited disability determination of both active duty and Reserve personnel who suffer from certain disabling diseases or conditions. The feasibility report study would evaluate various programs for expedited determinations of disability that are currently carried out by other departments and agencies to include the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration. If the process is considered feasible and advisable, the report shall set recommendations on the legislative and administrative actions needed.

Sec. 1048. Fiscal year 2012 Administration and Report on the Troops-to-Teachers Program. The Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Not later than April 1, 2012, the Secretaries of Defense and Education shall jointly submit a report to Congress a report on the Troops-to-Teachers Program which includes, among other things: a summary of program funding since its inception and projected funding covered by the future-years defense program submitted to Congress in 2011; specifics on program participants; an assessment of the current and anticipated effects of recent economic circumstances on obtaining teaching positions, and; an assessment as to fulfilling its purpose as a military transition assistance program.

Sec. 1088. Improving the Transition of Members of the Armed Forces with Experience in the Operation of Certain Motor Vehicles into Careers Operating Commercial Motor Vehicles in the Private Sector. The Secretaries Defense and Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken to assist both active duty and former members of the Armed Forces who operated qualifying motor vehicles in obtaining commercial driver's licenses. The study will include, among other things: Identification of any training, qualifications, or experiences of members of the Armed Forces that satisfy the minimum standards; Identification of the actions the Secretary of Defense can take to document or modify the training, qualifications, and experiences of such members, and; assess of the feasibility and advisability of each of the legislative and regulatory actions identified under the study to establish such a program.

Sec. 5201. Rural and State Outreach. The Small Business Act, sec. 9 (15 U.S.C. 638) is amended by adding the following: Federal and State Technology Partnership Program (FAST) Program. The Administrator shall establish a FAST program to strengthen the technological competitiveness of small business concerns in the States and shall jointly review, with program managers, proposals and may make awards or enter into cooperative agreements. Small businesses owned and controlled by service-disabled veterans, among others, would be eligible to compete for these opportunities.

This bill is in line with DAV Resolution Nos. 171 and 217. H.R. 1540 passed the House on Wednesday, December 14, 2011, and passed the Senate on Thursday, December 15, 2011. It will now be sent to the President.

Hearings

All DAV testimony can be read in full on our DAV website, at:
<http://www.dav.org/voters/Testimony.aspx>.

On November 15, 2011, DAV testified before the House Veterans' Affairs Committee concerning minimizing inefficiency, duplication and waste within the VA.

On December 2, 2011, DAV testified before the House Veterans' Affairs Subcommittee on Health concerning suicide prevention efforts within the VA.

Virtual Chat a Success

More than 10,000 Facebook users viewed or sent in questions during a live chat session with Executive Director Barry Jesinoski on November 10, just before the nation observed Veterans Day. Questions and comments ranged from asking about the possible impact of the federal budget crisis to the lengthy waits veterans are experiencing in trying to obtain mental health care from the VA. Another live chat will be scheduled soon.

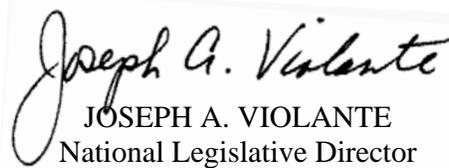
New Web Content Weekly

Beginning in October 2011, the DAV legislative staff began adding content weekly on subjects of interest to members. Some will require action from our DAV Commander's Action Network (CAN) and others will be used to keep you informed of progress on various issues before Congress and the Administration. Please check <http://capwiz.com/dav/home/> regularly to stay informed on legislative issues and actions.

Conclusion

To ensure the successful enactment of the legislation that we support, our DAV and Auxiliary members must become active members of DAV's grassroots—DAV CAN—and all of us must do our part to let our elected officials know about our support for legislation that builds better lives for our nation's service-disabled veterans, their families and their survivors. In the new year, please make a pledge to redouble your efforts to communicate our concerns to your elected officials. Your efforts and actions are a key to our success.

Thank you for again for all your support during 2011.



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